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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/760,189	01/12/2001	Charles R. Sperry	D-20086-01	2431

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CRYOVAC, INC.
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EXAMINER

TRUONG, THANH K

ART UNIT	PAPER NUMBER
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3721

DATE MAILED: 06/04/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/760,189

Applicant(s)

SPERRY ET AL.

Examiner

Thanh K Truong

Art Unit

3721

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 January 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3, 8, 10-12, 17, 18 and 20 is/are rejected.
- 7) ☒ Claim(s) 4-7, 9, 13-16 and 19 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ 6) ☐ Other: _____

DETAILED ACTION

Specification

1. The disclosure is objected to because of the following informalities: same reference number for different parts; "webs of film 14 and 16" (page 8, line 22) and "partially-formed container 16" (page 12, line 11).

Appropriate correction is required.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-3, 10-12 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sperry et al. (5,255,847) in view of Schmitter (5,129,580).

Sperry et al. discloses an apparatus comprising: a housing 13 defining an internal chamber 22 bounded by an interior surface with the housing; an inlet 14 or 15 for receiving fluid product into the housing; a discharge port 17 through which fluid product may exit the housing; and a valving rod 16 disposed in the housing and being movable within the internal chamber between an open position and a closed position.

Sperry et al. further discloses a mechanism that conveys a web of film along a predetermined path of travel, the film web comprising two juxtaposed plies of plastic film that define a partially-formed flexible container; one or more devices for sealing the plies of plastic film together thereby enclosing the fluid product therein (figure 1, column 1,

lines 6-10 and lines 19-28); and a conduit providing fluid communication between the internal reservoir and the discharge port (figure 1).

Sperry et al. discloses the claimed invention, except for the valving rod that has a central bore; at least one inlet, and one or more outlet ports.

Schmitter discloses a device (figures 1, 2 and 5) that comprising: a valving rod 1 comprising: a central bore 3; at least one inlet 3; one or more outlet ports 4 in fluid communication with the bore and being capable of directing cleaning solvent radially outward from the bore and against the interior surface bounding the internal chamber 2 for spraying liquid as the dispersing agent (column 2, lines 2-3). Therefore, it would have been obvious to one having ordinary skill in the art, at the time applicant's invention was made, to modify Sperry et al.'s valving rod by applying the teaching from schmitter to provide a valving rod with bore and outlet ports for delivering cleaning solution to the tip of the fluid dispenser.

4. Claims 8, 17 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sperry et al. (5,255,847) in view of Schmitter (5,129,580) and further in view of Zwirlein, Jr. et al. (5,040,728).

As discussed above in paragraph 3 of this office action, the modified Sperry et al. disclosed the claimed invention, except for mentioning the fluid product comprising polyols and isocyanates.

Zwirlein, Jr. et al. discloses the use of polyols and isocyanates to produce polyurethane foam (column 1, lines 20-29) in packaging for protecting product during shipment (column 1, lines 30-34). Therefore, it would have been obvious to one having ordinary skill in the art, at the time applicant's invention was made, to use polyols and

isocyanates as the mixture of fluid to produce polyurethane foam that can be cure in a very short time (column 1, lines 27-29).

Allowable Subject Matter

5. Claims 4-7, 9, 13-16, and 19 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion


6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thanh K Truong whose telephone number is (703) 605-0423. The examiner can normally be reached on Mon-Thurs from 8:00 AM to 6:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rinaldi I Rada can be reached on (703) 308-2187. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 305-3579 for regular communications and (703) 308-7769 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1148.

tkr
May 27, 2002



Rinaldi I. Rada
Supervisory Patent Examiner
Group 3700